

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RYAN M. STRASSER,

Plaintiff,

v.

PLAID PANTRIES, INC.,

Defendant.

No. 3:14-cv-00761-HZ

OPINION & ORDER

Ryan M. Strasser
3576 Hatch Rd
Merced, CA 95340

Pro Se Plaintiff

Karen M. O'Kasey
Hart Wagner, LLP
1000 SW Broadway, Ste 2000
Portland, OR 97205

Attorney for Defendant

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HERNÁNDEZ, District Judge:

Plaintiff brings this action for disability discrimination. Before the court is Plaintiff's motion for appointment of pro bono counsel [8]. I deny the motion for pro bono counsel because Plaintiff has not shown exceptional circumstances to warrant the appointment of counsel.

Generally, there is no constitutional right to counsel in a civil case. United States v. 30.64 Acres of Land, 795 F.2d 796, 801 (9th Cir. 1986). However, pursuant to 28 U.S.C. § 1915(e)(1), this Court has discretion to request volunteer counsel for indigent plaintiffs in exceptional circumstances. Id. "The decision to appoint such counsel is within the sound discretion of the trial court and is granted only in exceptional circumstances." Agyeman v. Corrections Corp. of Am., 390 F.3d 1101, 1103 (9th Cir. 2004) (internal quotation omitted). To determine if exceptional circumstances exist, the court evaluates the likelihood of plaintiff's success on the merits and "plaintiff's ability to articulate his claims in light of the legal issues involved." Id. (internal quotation omitted), cert. denied, 545 U.S. 1128 (2005).

Plaintiff attests that he is unable to obtain legal counsel because he has no money. However, Plaintiff has not specified the efforts he has made to obtain legal counsel after his attorney withdrew. Plaintiff has not established that his efforts to obtain legal counsel have been unsuccessful due to his financial situation. Plaintiff is also able to communicate in a manner understood by the court. The circumstances at this time do not warrant seeking volunteer counsel to accept a pro bono appointment. Plaintiff's motion for appointment of counsel [8] is therefore denied.

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CONCLUSION

Based on the foregoing, Plaintiff's motion for appointment of pro bono counsel [8] is denied.

IT IS SO ORDERED.

Dated this 31 day of JULY, 2014.


MARCO A. HERNÁNDEZ
United States District Judge